

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF	<i>United States of America</i>	COURT CASE NUMBER	<i>04-11758-RCL</i>
DEFENDANT	<i>Thomas J. Rudegeair</i>	TYPE OF PROCESS	<i>Summons & Complaint</i>
SERVE ➡ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN		
	<i>Thomas Rudegeair</i>		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)		
	<i>40 Pine Crest Road, Newton, MA 02459</i>		

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		Number of process to be served with this Form - 285	<i>1</i>
<div style="border: 1px solid black; padding: 5px;"> <i>Nancy Rojas</i> <i>Financial Litigation Unit</i> <i>U.S. Attorney's Office</i> <i>1 Courthouse Way, Suite 9200</i> <i>Boston, MA 02210</i> </div>		Number of parties to be served in this case	<i>1</i>
		Check for service on U.S.A.	<i>1</i>

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Please serve by November 12, 2004

Signature of Attorney or other Originator requesting service on behalf of:	<i>[Signature]</i>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	<i>617-748-3288</i>	DATE	<i>9/14/04</i>
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
<i>1</i>	<i>38</i>	<i>38</i>	<i>38</i>	<i>Nancy Inlauren</i>	<i>9/14/04</i>

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode. Date of Service Time <i>9/14/04</i> <i>PM</i> Signature of U.S. Marshal or Deputy <i>[Signature]</i>
Address (complete only if different than shown above)	

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund

REMARKS:

9/20
End 8:00 PM 10/04
See USM-210 report attached

U.S. Department of Justice
United States Marshals Service



FIELD REPORT

TITLE OF REPORT Thomas Rudegeair <i>CIVIL 04 11758-RCL</i>	DATE OF INCIDENT Ref to S & C	REPORT BY DUSM Dawson
REPORTING DISTRICT Mass- Boston		
TYPE OF INCIDENT Information in regards to civil process (Summons & Complaint)		
<p>NARRATIVE DESCRIPTION OF INCIDENT</p> <p>In the matter of the United States vs. Thomas Rudegeair this particular S&C is being returned with out service.</p> <p>The Defendant no longer lives in the U.S. Although the following information should be helpful if the U.S. wants the Def. served by way of foreign litigation service.</p> <p>Mr. Rudegeair lives at the following address: 12 Collingwood Rd. Freeman Bay Auckland, New Zealand</p> <p>Defendant Rudegeair is a practicing Psychiatrist affiliated with University of Auckland Medical Center, in the Psychiatry Dept.</p>		
CONTINUED ON ____ ATTACHED PAGES		
SIGNATURE OF PREPARER: <i>[Signature]</i>	DATE: <i>9/21/04</i>	DISTRIBUTION: <input type="checkbox"/> DISTRICT <input type="checkbox"/> HEADQUARTERS <input checked="" type="checkbox"/> OTHER: <u>U.S. Attorney's Office</u>
APPROVED (Name and Title) Jeffrey Bohn SDUSM <i>[Signature]</i>	DATE: <i>9/21/04</i>	

This report is the property of the United States Marshals Service.
Neither it nor its contents may be disseminated outside the agency to which it is loaned.
FOR OFFICIAL USE ONLY

AO 440 (Rev. 10/93) Summons in a Civil Action

United States District Court

DISTRICT OF

UNITED STATES OF AMERICA

SUMMONS IN A CIVIL CASE

V.

THOMAS RUDEGEAIR

CASE NUMBER:

04 11758 RCL

TO: (Name and address of defendant)

Thomas J. Rudegear
40 Pine Crest Road
Newton, MA 02459

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Christopher R. Donato
Assistant United States Attorney
United States Attorney's Office
1 Courthouse Way, Suite 9200
Boston, MA 02210

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.



TONY ANASTAS
CLERK

(BY) DEPUTY CLERK

AUG 11 2004
DATE

AO 440 (Rev. 10/93) Summons in a Civil Action

United States District Court

DISTRICT OF

UNITED STATES OF AMERICA

V.

THOMAS RUDEGEAIR

SUMMONS IN A CIVIL CASE

CASE NUMBER: 04 11758 RCL

TO: (Name and address of defendant)

Thomas J. Rudegeair
40 Pine Crest Road
Newton, MA 02459

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Christopher R. Donato
Assistant United States Attorney
United States Attorney's Office
1 Courthouse Way, Suite 9200
Boston, MA 02210

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TONY ANASTAS
CLERK

(BY) DEPUTY CLERK

AUG 11 2004

DATE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

04 11 75 COPY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Court No.

THOMAS RUDEGEAIR,

Defendant.

COMPLAINT

The United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, states as its complaint that:

1. Jurisdiction of this action is conferred on the Court by 28 U.S.C. § 1345.
2. The defendant, Thomas Rudegear (hereinafter "Rudegear"), resides in the District of Massachusetts at 40 Pine Crest Road, Newton, MA 02459.
3. Rudegear is indebted to the United States in the principal amount of \$184,264.54 plus interest computed at the rate of 4.0 percent per annum for a total amount of \$186,001.21 as of June 25, 2004. Thereafter, interest on the principal amount will accrue at the rate of 4.0 percent per annum until the date of judgment. See Exhibit "A" attached hereto and incorporated herein.
4. Rudegear has failed to repay the aforesaid sum although demand has been duly made.

WHEREFORE, the United States demands judgment against Rudegear in the principal amount of \$184,264.54; plus interest in the amount of \$1,736.67; plus interest on this principal at an annual rate of 4.0 percent per annum until the date of judgment. The United States further demands, pursuant to 28 U.S.C. § 1961, that interest on the judgment accrue at the legal rate until paid in full.

Respectfully submitted,

UNITED STATES OF AMERICA
By its attorneys

MICHAEL J. SULLIVAN
United States Attorney

By:

A handwritten signature in black ink, appearing to read "Christopher R. Donato", written over a horizontal line.

CHRISTOPHER R. DONATO
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3328

Dated: August 11, 2004



Rockville MD 20857

AUG 6 2004

CERTIFICATE OF INDEBTEDNESS

Thomas J. Rudegeair
40 Pine Crest Road
Newton, MA 02459
Ref: 50148981

Total debt due to the United States of America as of June 25, 2004: \$ 186,001.21(principal \$184,264.54, interest \$1,736.67, administrative costs \$0.00).

I certify that the Department of Health and Human Services records show that the debtor named above is indebted to the United States in the amount stated above, plus additional interest on the principal balance of \$184,264.54 from June 25, 2004, at the rate of 4.000%. Interest accrues on the principal amount of this debt at the rate of \$20.19 per day. Interest is computed at a variable rate and is adjusted quarterly. Due to the semi-annual compounding of interest, the current principal amount is greater than the original amount borrowed.

The claim arose in connection with a Government-insured Health Education Assistance Loan (HEAL) made by a private lender and assigned to the United States.

As a student at the University of Massachusetts, you applied for and were granted the following Health Education Assistance Loans (HEAL), Section 701-720 of the Public Health Service Act (42 U.S.C. 292 f-p).

Original
Principal

\$ 7,500.00
\$ 4,000.00
\$ 8,000.00
\$ 9,200.00
\$10,000.00
\$10,000.00
\$12,450.00

Your loans were consolidated into one loan in the amount of \$150,758.27. You signed a promissory note on July 16, 2000, agreeing to repay the loan at a variable rate of interest.

Upon your leaving the University of Massachusetts, you were granted forbearances during the period of August 10, 2000, to August 9, 2002, with payments to begin September 9, 2002. You did not make any payments.

On January 7, 2003, the SLMA sent you a final demand letter to remit payment in full or your account would be filed as a default claim. You did not make any payments, nor did you respond.



PAGE 2 - CERTIFICATE OF INDEBTEDNESS - THOMAS J. RUDEGEAIR

Due to your failure to make payments, the SLMA filed an insurance claim on February 12, 2003, with the Department of Health and Human Services (HHS). The claim in the amount of \$173,638.00 was paid on April 7, 2003, and an assignment of the note was received.

By letter dated April 22, 2003, you were notified that the previous holder of your HEAL placed you in default and assigned your notes to the United States Government. You were informed that your student loans were consolidated using the lowest interest rate allowable by law. Enclosed were instructions for entering into a repayment agreement (RA) with notice that it must be completed and returned within thirty (30) days. You did not respond.

By letter dated July 1, 2003, you were notified that your account had been referred to OSI Collection Services for collection. You were advised that your account would be referred to the U.S. Department of Justice (DOJ) if you failed to either remit payment in full or enter into a RA. You did not comply.

In a letter dated July 25, 2003, you were notified of the HHS' intent to refer your HEAL debt to other Federal agencies for the purpose of administrative offset under the Debt Collection Improvement Act of 1996. You were advised that a written response, a RA, or payment in full received within sixty (60) days from the date of the letter would terminate administrative offset action. You did not comply.

On February 19, 2004, you were notified that you had sixty (60) days in which to resolve your delinquent debt. You were advised that if you were unwilling to establish a RA, your case would be immediately referred to the Office of the Inspector General (OIG) for exclusion from participation in the Medicare/Medicaid Programs. The letter also informed you that in the event you did not enter into a RA, your debt would be referred to the DOJ for enforced collection. You did not comply.

The following provides a breakdown of credits applied to your account:

1 SLMA Refund	5/15/03	\$ 115.38
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Repeated attempts by HHS have been unsuccessful in establishing an acceptable repayment schedule for your debt. Because of your lack of cooperation the federal government is exercising its option and declaring your note due and payable. Accordingly, your debt has now been referred to the DOJ for enforced collection.

The amount due should be remitted by check, draft or money order(s) payable to the "U.S. Department of Justice" and mailed directly to the United States Attorney, District of Massachusetts, One Courthouse Way, U.S. Courthouse, Suite 9200, Boston, MA 02210.

CERTIFICATION: Pursuant to 28 U.S.C. 1746, I certify under penalty of perjury that the foregoing is true and correct.

AUG 6 2004

Date



Barry M. Blum
Chief, Referral Control Section
Debt Management Branch